

Exhibit 3 to  
ADS Security, L.P.'s  
Motion for Attorneys' Fees

Exhibit 3 to ADS Security, L.P.'s Motion for Attorneys' Fees

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ROTHSCHILD CONNECTED DEVICES  
INNOVATIONS, LLC,

*Plaintiff,*

v.

GUARDIAN PROTECTION SERVICES, INC.

ADS SECURITY, LP

ALARM SECURITY GROUP, LLC

CENTRAL SECURITY GROUP NATIONWIDE, INC.

GUARDIAN ALARM COMPANY

GUARDIAN OF GEORGIA, INC. D/B/A ACKERMAN

SECURITY SYSTEMS

ICON SECURITY SYSTEMS, INC.

MONITRONICS INTERNATIONAL, INC.

SLOMIN'S, INC.

*Defendants.*

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§  
§  
§  
§  
§  
§

§ 2:15-cv-01431-JRG-RSP  
§ **(lead case)**

§ 2:15-cv-01463-JRG-RSP

§ 2:15-cv-01464-JRG-RSP

§ 2:15-cv-01462-JRG-RSP

§ 2:15-cv-01496-JRG-RSP

§ 2:15-cv-01429-JRG-RSP

§

§ 2:15-cv-01468-JRG-RSP

§ 2:15-cv-01466-JRG-RSP

§ 2:15-cv-01469-JRG-RSP

**DECLARATION OF NATHAN J. BAILEY IN SUPPORT OF  
ADS SECURITY, L.P.'S MOTION FOR ATTORNEYS' FEES**

1. I am an attorney for ADS Security, L.P. and make this declaration from my personal knowledge.
2. I graduated from East Tennessee State University in 2004 with a Bachelor of Science in Chemistry, Physics, and Philosophy.
3. I graduated from Southern Illinois University School of Law in 2007 with a Juris Doctor and a Master of Science in Electrical and Computer Engineering.

Exhibit 3 to ADS Security, L.P.'s Motion for Attorneys' Fees

4. I am a registered patent attorney, having been admitted to the patent bar by waiver of examination after spending two years as a patent attorney at the Patent Trial and Appeal Board.
5. I have over eight years of experience in intellectual property law.
6. I am a partner in the law firm of Waller Lansden Dortch & Davis.
7. I am lead counsel in the above referenced case.
8. My hourly rate is \$350. According to the American Intellectual Property Law Association, in 2015, the average hourly rate for an intellectual property attorney in my region was \$391 and the average hourly rate for an intellectual property attorney practicing in Texas is \$501.
9. Andy Pitchford also worked on this matter. His hourly rate is also \$350. Andy graduated from the University of Kentucky in 2001 with a Bachelor of Science in Electrical Engineering, and in 2005 with a Juris Doctor. He has 10 years of experience in intellectual property law. Andy is Counsel with Waller Lansden Dortch & Davis.
10. Other attorneys that worked on this matter all have hourly rates that are commensurate with their level of experience.
11. Appended hereto are copies of our invoices. The time we spent on the case, included the following major areas of work:
  - (a) Initial case assessment and evaluation of the '090 Patent
  - (b) Searching the prior art for references that invalidated the '090 Patent
  - (c) Answering the Complaint
  - (d) Filing a Motion for Judgment on the Pleadings and Reply in support of the same

Exhibit 3 to ADS Security, L.P.'s Motion for Attorneys' Fees

- (e) Drafting and serving Initial Disclosures
- (f) Attending the scheduling conference and attending to docketing and scheduling concerns
- (g) Preparing and serving invalidity contentions, including claim charts for fourteen different Section 102 references
- (h) Drafting and serving a Rule 11 Motion for Sanctions
- (i) Preparing this Motion for Attorneys' Fees

12. The total amount of charges through the end of December, supported by the invoices appended hereto, is \$77,135.50 for attorneys' fees and \$3,169.34 for non-taxable expenses.

13. The total amount of charges in January to date is \$15,697.00 for attorneys' fees. Detailed time entries can be provided for the amount incurred to date in January upon request. Of the January attorneys' fees incurred to date, \$15,365.00 of the fees is for my work on the case in January, which has included finalizing and serving invalidity contentions, communications related to the Rule 11 motion, and preparation of the instant motion for attorneys' fees.

14. Thus, the total amount of attorneys' fees requested by ADS is **\$92,832.50** and the total amount of nontaxable fees requested is **\$3,169.34**. Plaintiff will supplement this declaration with the total amount of fees and expenses incurred through the dismissal of this case should the Court deem such supplementation appropriate.

15. The fees incurred by ADS in this matter were necessary and reasonable for this type of litigation.

Exhibit 3 to ADS Security, L.P.'s Motion for Attorneys' Fees

16. The figures for fees and expenses submitted in this matter are true and correct to the best of my knowledge.

17. The figures cited herein cover the time period commencing September, 25, 2015 through the date of this declaration.

18. I am of age and of sound mind and otherwise competent to make the declarations herein.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read 'N. Bailey', written over a horizontal line.

Executed on January 22, 2015

Nathan J. Bailey

**WALLER LANSDEN DORTCH & DAVIS, LLP**  
NASHVILLE CITY CENTER  
511 UNION STREET, SUITE 2700  
POST OFFICE BOX 198966  
NASHVILLE, TENNESSEE 37219-8966  
615-244-6380  
FEDERAL ID NO. 62-0479474

ADS Security L.P.  
3001 Armory Dr Ste 100  
Nashville, TN 37204

October 9, 2015  
Invoice 10577998  
Page 1  
Bill Through 09/30/15  
Billing Atty: N. Bailey

Our Matter # 019936.55551

Rothschild Connected Devices Innovations, LLC

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09/25/15	Emails to B. Felber and E. McDaniel re" patent lawsuit filed in the E.D. Texas; calls re: same; review of complaint and patent Bailey, Nate	2.10 hrs
09/27/15	Review of case law re: personal jurisdiction in ED Texas; confer with C. Walker re: motion to dismiss for lack of personal jurisdiction; confer with N. Davidson re: review of cases in ED TX involving same patent Bailey, Nate	1.10 hrs
09/27/15	Review complaint, asserted patent, pull file history and begin review Pitchford, Andy	2.20 hrs
09/28/15	Pull file history, review patent, and review files of related patents Pitchford, Andy	5.80 hrs
09/28/15	Request by N. Bailey to find the last 10 patent cases in the E.D. Texas where a motion to dismiss for lack of personal jurisdiction was granted, save them as .pdf files, and highlight the relevant reasons why the motion was granted Walker Jr., Charlie	1.20 hrs
09/29/15	Request by N. Bailey to find the last 10 patent cases in the E.D. Texas where a motion to dismiss for lack of personal jurisdiction was granted, save them as .pdf files, and highlight the relevant reasons why the motion was granted; email to D. Leone re searching on Docket Navigator Walker Jr., Charlie	3.00 hrs
09/30/15	Work with C. Walker re: patent personal jurisdiction cases in E.D. Texas; review of same; confer with A. Pitchford re: technology of patent in suit Bailey, Nate	1.40 hrs

## WALLER LANSDEN DORTCH &amp; DAVIS, LLP

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09/30/15	Discuss case with attorney N.Bailey; review requirements and fee estimates for CBM review proceedings Cox, Matt C	1.00 hrs
09/30/15	Retrieve all lawsuits filed by Rothschild and review case histories; prepare table illustrating history of Rothschild lawsuits Davidson, Nicolo B	3.70 hrs
09/30/15	Sent N. Bailey highlighted patent cases from the E.D. TX where FRCP 12(b)(2) motions were granted; arranged chart of patent litigation timeline and projected dates based on E.D. TX Local Patent Rules Walker Jr., Charlie	3.20 hrs

Total Fees for Professional Services ..... \$ 6,153.00

**Summary of Fees**

Timekeeper	Hours
Bailey, Nate	4.60 hrs
Cox, Matt C	1.00 hrs
Pitchford, Andy	8.00 hrs
Davidson, Nicolo B	3.70 hrs
Walker Jr., Charlie	7.40 hrs
<b>TOTAL</b>	<b>24.70 hrs</b>

Total Fees and Disbursements on This Invoice \$ 6,153.00

PLEASE REMIT TOTAL INVOICE DUE \$ 6,153.00

**WALLER LANSDEN DORTCH & DAVIS, LLP**  
**NASHVILLE CITY CENTER**  
**511 UNION STREET, SUITE 2700**  
**POST OFFICE BOX 198966**  
**NASHVILLE, TENNESSEE 37219-8966**  
**615-244-6380**  
FEDERAL ID NO. 62-0479474

ADS Security L.P.  
3001 Armory Dr Ste 100  
Nashville, TN 37204

November 4, 2015  
Invoice 10580711  
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Bill Through 10/31/15  
Billing Atty: N. Bailey

Our Matter # 019936.55551

Rothschild Connected Devices Innovations, LLC

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10/01/15	Communications with defense counsel for various defendants; call with Plaintiff's counsel; meeting with client re: strategy for case and assessing case strength; meetings with A. Pitchford re: prior art and answer to complaint; work with C. Walker and N. Davidson to prepare for client meeting Bailey, Nate	6.80 hrs
10/01/15	Retrieve and compile answers to complaints filed by defendants in related lawsuits Davidson, Nicolo B	0.90 hrs
10/01/15	Research average costs of patent litigation to allow client to be better informed with regard to pending litigation in E.D. TX Walker Jr., Charlie	0.40 hrs
10/02/15	Confer with L. Merritt re: joint defense issues and overall strategy for response to patent troll; calls re: possible joint defense group Bailey, Nate	0.30 hrs
10/06/15	Draft notices of appearance and file same; file unopposed application to extend deadline to respond to complaint; docketing Bailey, Nate	1.60 hrs
10/06/15	Attention to making entry of appearance in Eastern District of Texas Cox, Matt C	0.30 hrs
10/07/15	Confer with N. Davidson re: filing of answer; review of local patent rules; review of Court order re: extension Bailey, Nate	0.40 hrs
10/07/15	Review order from the court and work on matters related to updating CompuLaw with docket entries Wills, Sarah C.	0.30 hrs



## WALLER LANSDEN DORTCH &amp; DAVIS, LLP

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10/08/15	Review strategies implemented by other defendants in answering to similar complaints by Rothschild Davidson, Nicolo B	1.20 hrs
10/09/15	Review of patent in suit Bailey, Nate	0.80 hrs
10/09/15	Draft answer to plaintiff's complaint; review strategies implemented by other defendants in answering to similar complaints by Rothschild Davidson, Nicolo B	2.70 hrs
10/15/15	Review of draft answer Bailey, Nate	0.50 hrs
10/15/15	Draft answer to Rothschild's' complaint; draft counterclaims to Rothschild's complaint Davidson, Nicolo B	4.30 hrs
10/21/15	Work on letter to opposing counsel; confer with M. Cox re: hearing; emails to other defense counsel Bailey, Nate	0.70 hrs
10/22/15	Calls to various other defense counsel; work on draft letter to opposing counsel Bailey, Nate	3.70 hrs
10/23/15	Emails to/from various other defense counsel Bailey, Nate	0.80 hrs
10/26/15	Confer with A. Pitchford re: letter to opposing counsel and strategy for same; call with other defense counsel; review of prior art documents received; review of court filings Bailey, Nate	1.40 hrs
10/27/15	Work on letter to Rothschild Bailey, Nate	4.80 hrs
10/28/15	Attention to letter to Rothschild and research of other various response options Bailey, Nate	4.10 hrs
10/29/15	Continue to review 101 law and draft response to Rothschild; communications re: meeting with client; emails with alarm.com; review of court filings re: consolidation of patent case Bailey, Nate	0.90 hrs
10/30/15	Work on motion for sanctions and motion for judgment on the pleadings Bailey, Nate	5.80 hrs
10/30/15	Discuss case and strategy for Answer with attorney N.Bailey; review asserted Claim 1 Cox, Matt C	0.40 hrs

## WALLER LANSDEN DORTCH &amp; DAVIS, LLP

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10/31/15	Review patent-eligible subject matter case law Bailey, Nate	3.10 hrs
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Total Fees for Professional Services .....	\$ 15,027.50
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**Summary of Fees**

Timekeeper	Hours
Bailey, Nate	35.70 hrs
Cox, Matt C	0.70 hrs
Davidson, Nicolo B	9.10 hrs
Walker Jr., Charlie	0.40 hrs
Wills, Sarah C.	0.30 hrs
TOTAL	<u>46.20 hrs</u>

Total Fees and Disbursements on This Invoice	\$ 15,027.50
Plus: Previous Balance Outstanding	\$ 6,153.00
PLEASE REMIT TOTAL INVOICE DUE	\$ 21,180.50

**WALLER LANSDEN DORTCH & DAVIS, LLP**  
**NASHVILLE CITY CENTER**  
**511 UNION STREET, SUITE 2700**  
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**NASHVILLE, TENNESSEE 37219-8966**  
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FEDERAL ID NO. 62-0479474

ADS Security L.P.  
3001 Armory Dr Ste 100  
Nashville, TN 37204

December 4, 2015  
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Rothschild Connected Devices Innovations, LLC

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10/01/15	Review file history of family, conduct preliminary prior art search, and meet with client Pitchford, Andy	7.50 hrs
10/20/15	Search and review prior art Pitchford, Andy	4.70 hrs
10/23/15	Begin claims charts for references Pitchford, Andy	6.60 hrs
10/25/15	Search prior art; review prior art and prepare claims charts Pitchford, Andy	5.80 hrs
10/26/15	Research prior art; prepare claim charts Pitchford, Andy	5.90 hrs
10/27/15	Search for prior art; review references; create claims charts Pitchford, Andy	5.00 hrs
10/28/15	Search and review references related to Rothchild patent Pitchford, Andy	6.00 hrs
10/30/15	Update client on Rothschild lawsuit Pitchford, Andy	0.80 hrs
10/30/15	Review family tree and determine disclosure of Destiny patent group Pitchford, Andy	3.70 hrs
11/01/15	Email to alarm.com; Bailey, Nate	0.10 hrs
11/02/15	Review of Court Order re: case management conference; voice mail from alarm.com Bailey, Nate	0.20 hrs

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11/04/15	Review and Revise Motion for Judgment on the Pleadings; call with opposing counsel; work with K. Griffin to determine corporate status of RCDI Bailey, Nate	3.10 hrs
11/04/15	Compile chart of frivolous claims brought by Rothschild in the Eastern District of Texas in support of ADS's Motion for Judgment on the Pleadings Walker Jr., Charlie	2.40 hrs
11/05/15	Work on motion for judgment on the pleadings and motion for sanctions; contact opposing counsel re: extension to respond to the Complaint; Bailey, Nate	3.70 hrs
11/05/15	Compile chart of frivolous claims brought by Rothschild in the Eastern District of Texas in support of ADS's Motion for Judgment on the Pleadings Walker Jr., Charlie	0.90 hrs
11/06/15	Work with C. Christianson to file application for extension of time to respond to the Complaint; Bailey, Nate	0.50 hrs
11/08/15	Draft motion for judgment on the pleadings Bailey, Nate	3.70 hrs
11/09/15	Review of order extending answer date; docketing; draft motion for judgment on the pleadings and for sanctions Bailey, Nate	4.50 hrs
11/10/15	Draft motion for sanctions Bailey, Nate	6.70 hrs
11/11/15	Draft motion for sanctions; confer with A. Pitchford and M. Cox re: same Bailey, Nate	4.30 hrs
11/11/15	Discuss Rule 12 Motion and response strategy with attorney NJB Cox, Matt C	1.00 hrs
11/11/15	Consult with N. Bailey re rule 11 motion Pitchford, Andy	1.30 hrs
11/12/15	Work on motion for sanctions Bailey, Nate	3.80 hrs
11/12/15	Review Rule 12 brief and discuss same with attorney N.Bailey Cox, Matt C	1.60 hrs
11/12/15	Review exemplary 101 claims relevant to our 101 arguments Pitchford, Andy	0.80 hrs
11/13/15	Continued review of motion for judgment on the pleadings	

## WALLER LANSDEN DORTCH &amp; DAVIS, LLP

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	Bailey, Nate	0.30 hrs
11/16/15	Research re: Section 101 law; call to B. Felber Bailey, Nate	0.70 hrs
11/19/15	Finalize answer and file; work on motion to dismiss and sanctions; calls with opposing counsel and client Bailey, Nate	3.40 hrs
11/20/15	Receipt and review of infringement contentions; emails from opposing counsel re: settlement; review of emails from client re: [REDACTED] Bailey, Nate	0.50 hrs
11/23/15	Review of various filings with Eastern District of Texas re: scheduling issues and infringement contentions; continue to work on motion for sanctions and letter Bailey, Nate	3.50 hrs
11/24/15	Email to client re: settlement; finalize and file Rule 12(c) motion to dismiss Bailey, Nate	4.10 hrs
11/25/15	Review of various filings re: dismissal of other defendants; emails to/from [REDACTED] counsel re: joint defense group; email to client re: same Bailey, Nate	0.40 hrs

Total Fees for Professional Services ..... \$ 30,940.00

**Summary of Fees**

Timekeeper	Hours
Bailey, Nate	43.50 hrs
Cox, Matt C	2.60 hrs
Pitchford, Andy	48.10 hrs
Walker Jr., Charlie	3.30 hrs
<b>TOTAL</b>	<b>97.50 hrs</b>

**Disbursements**

Online Researches - 6 @ 345.86	\$ 2,075.15
Total Disbursements.....	\$ 2,075.15

WALLER LANSDEN DORTCH & DAVIS, LLP

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Total Fees and Disbursements on This Invoice \$ 33,015.15

PLEASE REMIT TOTAL INVOICE DUE \$ 33,015.15

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**NASHVILLE, TENNESSEE 37219-8966**  
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FEDERAL ID NO. 62-0479474

ADS Security L.P.  
3001 Armory Dr Ste 100  
Nashville, TN 37204

January 7, 2016  
Invoice 10587302  
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Billing Atty: N. Bailey

Our Matter # 019936.55551

Rothschild Connected Devices Innovations, LLC

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11/10/15	Review prosecution notes and discuss with N. Bailey Pitchford, Andy	0.60 hrs
12/01/15	Email to alarm.com re: license; call with [REDACTED] at alarm.com Bailey, Nate	0.30 hrs
12/01/15	Preparation for case management conference Bailey, Nate	0.80 hrs
12/02/15	Review standing order re: letter brief in support of Section 101 motions; calls to various defense counsel re: joint defense group; review of docketing; work with C. Christianson re: plans for hearing Bailey, Nate	1.50 hrs
12/04/15	Draft letter brief and notice of compliance re: Judge Gilstrap's Standing Order on Section 101 motions and finalize and file same; emails to/from opposing counsel re: same; work with C. Christianson re: plans for hearing on December 8th; emails with joint defense group Bailey, Nate	4.80 hrs
12/07/15	Preparation for scheduling conference; travel from Nashville to Marshall Texas (TRAVEL BILLED AT HALF RATE) Bailey, Nate	10.00 hrs
12/08/15	Attend scheduling conference in Marshall Texas and return to Nashville Tennessee; emails re: notice of mediator (TRAVEL BILLED AT HALF RATE) Bailey, Nate	10.40 hrs
12/09/15	Work with C. Christianson on docket and draft letter to client re: update Bailey, Nate	1.50 hrs

## WALLER LANSDEN DORTCH &amp; DAVIS, LLP

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12/10/15	Work on letter to client re: various updates Bailey, Nate	0.50 hrs
12/11/15	Call with joint defense group; emails re: setting up future calls and mediator selection; review of Plaintiff's response to motion for judgment on the pleadings Bailey, Nate	1.30 hrs
12/14/15	Work on letter to client and reply in support of motion for judgment on the pleadings Bailey, Nate	4.20 hrs
12/14/15	Conference with N. Bailey re: compilation of Alice chart for four related cases in EDTX Walker Jr., Charlie	0.20 hrs
12/15/15	Formation of Alice chart and timelines associated with EDTX patent infringement cases Walker Jr., Charlie	1.30 hrs
12/16/15	Confer with Nate Bailey re strategy on early stages of the case. Waddey, Jr., Jack	0.50 hrs
12/17/15	Finalize letter to client re: status of case and continue to work on reply brief; attention to filings of other defendants Bailey, Nate	7.30 hrs
12/18/15	Call with client re: update on case; continue to draft reply brief for 12 (c) motion; emails to/from joint defense members; emails to/from opposing counsel regarding docket control order Bailey, Nate	3.30 hrs
12/20/15	Work on reply brief in support of 101 motion; emails to/from client and [REDACTED] attorney Bailey, Nate	3.80 hrs
12/21/15	Finalize and file reply brief in support of 101 motion; call with client; call with [REDACTED]; call with opposing counsel Bailey, Nate	8.70 hrs
12/22/15	Call to opposing counsel to discuss the discovery order, docket control order, and protective order; email to client re: settlement and other issues; revisions to various proposed orders and email to opposing counsel re: same Bailey, Nate	1.20 hrs
12/23/15	Review and revise motion for sanctions Bailey, Nate	1.30 hrs
12/26/15	Work on motion for sanctions Bailey, Nate	2.30 hrs
12/28/15	Work on motion for sanctions; draft and finalize initial disclosures; locate additional prior art references that invalidate Claim 1 under Section 102	



## WALLER LANSDEN DORTCH &amp; DAVIS, LLP

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	Bailey, Nate	8.50 hrs
12/29/15	Email to client re: Rule 11 motion; finalize initial disclosures; draft and file notice of compliance re: same	
	Bailey, Nate	1.30 hrs
12/30/15	Review of sur-reply filed by Plaintiffs re: motion for judgment on the pleadings; review of settlement agreements sent by Plaintiff and email to same re: missing documents; review of protective order entered by Judge	
	Bailey, Nate	1.80 hrs
12/30/15	Review and discuss Rule 11 motion with Nate Bailey	
	Pitchford, Andy	0.60 hrs
12/30/15	Compilation of chart tracking Rothschild's settlements with other defendants in the EDTX	
	Walker Jr., Charlie	2.10 hrs
12/31/15	Emails to/from client re: [REDACTED]; research re same; emails from opposing counsel re: updated production of settlement agreements; review of same	
	Bailey, Nate	0.70 hrs

Total Fees for Professional Services ..... \$ 25,015.00

**Summary of Fees**

Timekeeper	Hours
Bailey, Nate	75.50 hrs
Waddey, Jr., Jack	0.50 hrs
Pitchford, Andy	1.20 hrs
Walker Jr., Charlie	3.60 hrs
<b>TOTAL</b>	<b>80.80 hrs</b>

**Disbursements**

12/07/15	VENDOR: Nate Bailey INVOICE#: 010010570960 DATE: 12/15/2015 Court Appearance for ADS - Marshall, Texas (Breakfast)	\$ 2.01
12/07/15	VENDOR: Nate Bailey INVOICE#: 010010570960 DATE: 12/15/2015 Court Appearance for ADS - Marshall, Texas (Hotel Snacks)	\$ 3.96

## WALLER LANSDEN DORTCH &amp; DAVIS, LLP

Our Matter # 019936.55551  
 Invoice # 10587302

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12/08/15	VENDOR: Nate Bailey INVOICE#: 010010570960 DATE: 12/15/2015 Court Appearance for ADS - Marshall, Texas (Car Rental - Budget Rental Cars)	\$ 120.56
12/08/15	VENDOR: Nate Bailey INVOICE#: 010010570960 DATE: 12/15/2015 Court Appearance for ADS - Marshall, Texas (Dinner at Cantina Laredo)	\$ 44.61
12/08/15	VENDOR: Nate Bailey INVOICE#: 010010570960 DATE: 12/15/2015 Court Appearance for ADS - Marshall, Texas (Lunch @ Sweet Sabine)	\$ 14.55
12/08/15	VENDOR: Nate Bailey INVOICE#: 010010570960 DATE: 12/15/2015 Court Appearance for ADS - Marshall, Texas (Parking)	\$ 42.00
12/08/15	VENDOR: Nate Bailey INVOICE#: 010010570960 DATE: 12/15/2015 Court Appearance for ADS - Marshall, Texas (Hotel room charge)	\$ 152.54
12/08/15	VENDOR: Nate Bailey INVOICE#: 010010570960 DATE: 12/15/2015 Court Appearance for ADS - Marshall, Texas (Airfare Southwest Airlines)	\$ 713.96
	Total Disbursements .....	\$ 1,094.19
	Total Fees and Disbursements on This Invoice	\$ 26,109.19
	Plus: Previous Balance Outstanding	\$ 33,015.15
	PLEASE REMIT TOTAL INVOICE DUE	\$ 59,124.34